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TESTIMONY OF JOHN D. SHULANSKY TO THE LABOR & PUBIC EMPLOYEES COMMITTEE FEBRUARY 25, 2016

Distinguished Chairmen and members of the Committee:

My name is John D. Shulansky. I am managing director and a partner of EldersChoice of Connecticut, LLC a Homemaker Companion Agency and classified as a Registry; and also registered with the Department of Labor as an Employer Fee Paid Employment Agency. I also serve as Vice President of the Connecticut Association for Home Care Registries.

I appear before you today to speak in regard to HB-5260, which makes important modifications to calculations of hours worked by domestic service workers to allow for the exclusion of periods when the worker is free from all duties. Since the introduction in 2013 of revisions to Fair Labor Standards Act (FLSA) and their adoption in October 2015 by the US Department of Labor, we have strongly encouraged the General Assembly to revise State statutes to be consistent with these Federal changes.

The proposed language is HB-5260 is consistent with the FLSA with only one, important exception: to require a domestic service worker to get five (5) ***consecutive*** hours in order to exclude ANY sleep time. This is not consistent with Federal regulations, inconsistent with normal human behaviors, and unenforceable.

Federal regulations allow exclusion of up to a maximum of eight (8) hours of sleep time by a domestic service worker when working a 24 hour shift. Unlike the proposed language in HB-5260, there is no Federal minimum requirement for consecutive hours of uninterrupted sleep, but rather a guideline for a **total** of five (5) hours sleep during the evening. Under Federal rules, interruptions of sleep are considered time worked.

Getting up in the middle of night by an elderly person or someone with a chronic illness (or any one of us in this hearing room) is not unusual. Often, these interruptions are brief, and enable the domestic service worker to go to back to sleep. The imposition of a "consecutive" requirement is unreasonable and unrealistic, as there are many scenarios recognized by the US DOL in which a domestic service worker can be up and still have a restful night. We would urge the Committee to strike the word "consecutive" and adopt the Federal language: "…that if the employee cannot get at least 5 hours' sleep during the scheduled period the entire time is working time." [29 CFR §785.22 (b)]

Thank you for the opportunity to provide testimony on these important issues.